

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE GENERAL HOSPITAL
CORPORATION and
DANA-FARBER CANCER
INSTITUTE, INC.,

Plaintiffs,

v.

ESOTERIX GENETIC
LABORATORIES, LLC and
LABORATORY CORPORATION
OF AMERICA HOLDINGS,

Defendants.

C.A. No. 1:18-cv-11360-IT

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56 and Rule 56.1 of the Local Rules of the United States District Court for the District of Massachusetts, the plaintiffs The General Hospital Corporation and Dana-Farber Cancer Institute, Inc. hereby move for partial summary judgment as to the breach of contract claim in Count I of the Second Amended Complaint. In support of their motion, the plaintiffs rely on the following documents submitted herewith:

1. Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss and in Support of Their Cross-Motion for Partial Summary Judgment;
2. Plaintiffs' Statement of Undisputed Facts in Support of their Motion for Partial Summary Judgment; and
3. Affidavit of Carolyn A. Marcotte in Support of Plaintiffs' Motion for Partial Summary Judgment with attached Exhibits.

WHEREFORE, for the reasons set forth in the accompanying documents, the plaintiffs The General Hospital Corporation and Dana-Farber Cancer Institute, Inc. respectfully request that the Court grant summary judgment in their favor as to the breach of contract claim in Count I of the Second Amended Complaint, and that it grant such other and further relief as the Court deems just and proper.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), the plaintiffs respectfully request oral argument on their Motion for Partial Summary Judgment.

Respectfully submitted,

THE GENERAL HOSPITAL
CORPORATION AND DANA-FARBER
CANCER INSTITUTE, INC.
By their attorneys,

/s/ Carolyn A. Marcotte
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Dated: November 16, 2018

LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Carolyn A. Marcotte, counsel for the plaintiffs in the above-captioned matter, hereby certify that, pursuant to Local Rule 7.1(a)(2), plaintiffs' counsel conferred with counsel for defendants regarding the issues raised in the plaintiffs' Motion for Summary Judgment and counsel for the parties attempted in good faith to narrow the issue, but were unable to do so.

/s/ Carolyn A. Marcotte
Carolyn A. Marcotte

CERTIFICATE OF SERVICE

I, Carolyn A. Marcotte, counsel for the plaintiffs in the above-captioned matter, certify that on November 16, 2018, the plaintiffs' Motion for Summary Judgment filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to the non-registered participants.

/s/ Carolyn A. Marcotte

Carolyn A. Marcotte